

Senate File 2257

S-5139

1 Amend Senate File 2257 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 JUVENILE JUSTICE — CONSTRUCTION AND DEFINITIONS

6 Section 1. Section 232.1, Code 2022, is amended to read as
7 follows:

8 **232.1 Rules of construction.**

9 This chapter shall be liberally construed to the end that
10 each child under the jurisdiction of the court shall receive,
11 preferably in the child's own home, the care, guidance and
12 control that will best serve the child's welfare and the best
13 interest of the state. When a child is removed from the
14 control of the child's parents, the court shall secure the
15 least restrictive care for the child care as nearly as possible
16 equivalent to that which should have been given by the parents
17 child's placement with a preference for placement with the
18 child's family or a fictive kin.

19 Sec. 2. Section 232.2, subsection 6, Code 2022, is amended
20 by striking the subsection and inserting in lieu thereof the
21 following:

22 6. "*Child in need of assistance*" means a child who has been
23 found to meet the grounds for adjudication pursuant to section
24 232.96A.

25 Sec. 3. Section 232.2, subsection 9, Code 2022, is amended
26 to read as follows:

27 9. "*Court appointed special advocate*" means a person duly
28 certified by the child advocacy board created in section
29 237.16 for participation in the court appointed special
30 advocate program and appointed by the court to ~~represent the~~
31 ~~interests of a child in any judicial proceeding to which the~~
32 ~~child is a party or is called as a witness or relating to any~~
33 ~~dispositional order involving the child resulting from such~~
34 proceeding carry out duties pursuant to section 237.24.

35 Sec. 4. Section 232.2, Code 2022, is amended by adding the

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 following new subsections:

2 NEW SUBSECTION. 20A. "*Fictive kin*" means an adult person
3 who is not a relative of a child but who has an emotionally
4 positive significant relationship with the child or the child's
5 family.

6 NEW SUBSECTION. 20B. "*Foster care*" means the provision of
7 parental nurturing, including but not limited to the furnishing
8 of food, lodging, training, education, supervision, treatment,
9 or other care, to a child on a full-time basis by a person,
10 including an adult relative or fictive kin of the child, and
11 where the child is under the placement, care, or supervision
12 of the department, juvenile court services, or tribes with
13 whom the department has entered into an agreement pursuant
14 to a court order or voluntary placement, but not including a
15 guardian of the child.

16 Sec. 5. Section 232.2, subsection 21, paragraph a, Code
17 2022, is amended to read as follows:

18 a. "*Guardian*" means a person who is not the parent of
19 a child, but who has been appointed by a court ~~or juvenile~~
20 ~~court~~ having jurisdiction over the child, to have a permanent
21 self-sustaining relationship with the child and to make
22 important decisions which have a permanent effect on the life
23 and development of that child and to promote the general
24 welfare of that child. A guardian may be a court ~~or a juvenile~~
25 ~~court~~. Guardian does not mean conservator, as defined in
26 section 633.3, although a person who is appointed to be a
27 guardian may also be appointed to be a conservator.

28 Sec. 6. Section 232.2, subsection 22, paragraph a, Code
29 2022, is amended to read as follows:

30 a. "*Guardian ad litem*" means a person appointed by the
31 court to represent the interests of a child in any judicial
32 proceeding to which the child is a party, ~~and includes a court~~
33 ~~appointed special advocate, except that a court appointed~~
34 ~~special advocate shall not file motions or petitions pursuant~~
35 ~~to section 232.54, subsection 1, paragraphs "a" and "d", section~~

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 ~~232.103, subsection 2, paragraph "c", and section 232.111.~~

2 Sec. 7. Section 232.2, subsection 22, paragraph b,
3 unnumbered paragraph 1, Code 2022, is amended to read as
4 follows:

5 Unless otherwise enlarged or circumscribed after a finding
6 of good cause by a court or juvenile court having jurisdiction
7 over the child or by operation of law, the duties of a guardian
8 ad litem with respect to a child shall include the following:

9 Sec. 8. Section 232.2, subsection 22, paragraph b, Code
10 2022, is amended by adding the following new subparagraphs:

11 NEW SUBPARAGRAPH. (8) Submitting a written report to
12 the juvenile court and to each of the parties detailing
13 compliance with this subsection. If the guardian ad litem
14 is also appointed to represent the child as an attorney, the
15 written report shall contain an assessment of this dual role
16 and whether there is a need for the court to appoint a separate
17 guardian ad litem. A written report shall be submitted for
18 each court hearing unless otherwise ordered by the court.

19 NEW SUBPARAGRAPH. (9) Providing a sibling of a child
20 not placed with the child with the reasons why the child and
21 the sibling have not been placed together and an explanation
22 of the efforts being made to facilitate placement together
23 or why efforts to place the child and sibling together
24 are not appropriate. This subparagraph shall not apply if
25 the sibling's age or mental state makes such explanations
26 inappropriate.

27 Sec. 9. Section 232.2, subsection 22, Code 2022, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. e. In determining the best interests of
30 the child, rather than relying solely on a guardian ad litem's
31 life experiences or instinct, a guardian ad litem shall, with
32 the primary goal of achieving permanency for the child by
33 preserving the child's family or reunifying the child with the
34 child's family, do all of the following:

35 (1) Determine the child's circumstances through a full,

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

3/47

1 independent, and efficient investigation, including the
2 information gathered from the child's medical, mental health,
3 and education professionals, social workers, other relevant
4 experts, and other sources obtained in accordance with this
5 subsection.

6 (2) Assess the child and the totality of the child's
7 circumstances at the time of each placement determination,
8 including any potential trauma to the child that may be caused
9 by any recommended action.

10 (3) Examine all options available to the child in light of
11 the permanency plans.

12 (4) Incorporate a child's expressed wishes in
13 recommendations and reports.

14 Sec. 10. Section 232.2, Code 2022, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 35A. "*Neglect*" means the failure on the
17 part of a person responsible for the care of a child to provide
18 for adequate food, shelter, clothing, medical or mental health
19 treatment, supervision, or other care necessary for the child's
20 health and welfare when financially able to do so or when
21 offered financial or other reasonable means to do so.

22 Sec. 11. Section 232.2, subsection 42, Code 2022, is amended
23 to read as follows:

24 42. ~~"Physical abuse or neglect" or "abuse or neglect"~~
25 "Physical abuse" means any nonaccidental physical injury
26 suffered by a child as the result of the acts or omissions of
27 the child's parent, guardian, or custodian or other person
28 legally responsible for the child.

29 Sec. 12. Section 232.2, Code 2022, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 045A. "*Putative father*" means a person who
32 has been identified by the mother of a child as the child's
33 potential biological father or a person who claims to be the
34 biological father of a child and who was not married to the
35 child's mother at the time of the child's birth, when all of

1 the following circumstances apply:

2 a. Biological testing has not excluded the person as the
3 child's biological father.

4 b. No legal father has been established, biological
5 testing excludes the previously identified father, or previous
6 paternity has otherwise been disestablished.

7 c. Information sufficient to identify and find the person
8 has been provided to the county attorney by the mother, the
9 person, or a party to proceedings under this chapter.

10 d. The person has not been found by a court to be
11 uncooperative with genetic testing.

12 Sec. 13. Section 232.2, subsection 46A, Code 2022, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 46A. "*Relative*" means an individual related to a child
16 within the fourth degree of consanguinity or affinity, by
17 marriage, or through adoption. For purposes of subchapters III
18 and IV, "*relative*" includes the parent of a sibling of the child
19 if the sibling's parent's parental rights were not previously
20 terminated in relation to the child.

21 Sec. 14. Section 232.2, subsection 52, Code 2022, is amended
22 to read as follows:

23 52. "*Sibling*" means an individual who is related to
24 another individual by blood, adoption, or affinity through a
25 common legal or biological parent, regardless of whether a
26 common legal or biological parent's parental rights have been
27 terminated.

28 Sec. 15. Section 232.3, subsection 1, Code 2022, is amended
29 to read as follows:

30 1. During the pendency of an action under **this chapter**, a
31 party to the action is estopped from litigating concurrently
32 the custody, guardianship, or placement of a child who
33 is the subject of the action, in a court other than the
34 juvenile court. A district judge, district associate judge,
35 magistrate, or judicial hospitalization referee, upon notice

1 of the pendency of an action under [this chapter](#), shall not
2 issue an order, finding, or decision relating to the custody,
3 guardianship, or placement of the child who is the subject of
4 the action, under any law, including but not limited to chapter
5 [232D](#), 598, [598B](#), or [633](#).

6 DIVISION II

7 JUVENILE DELINQUENCY PROCEEDINGS — TAKING A CHILD INTO CUSTODY

8 Sec. 16. Section 232.19, subsection 1, paragraph c, Code
9 2022, is amended to read as follows:

10 c. By a peace officer, when the peace officer has
11 reasonable grounds to believe the child has run away from the
12 child's parents, guardian, or custodian, for the purposes
13 of determining whether the child shall be reunited with the
14 child's parents, guardian, or custodian, or placed in shelter
15 care, ~~or, if the child is a chronic runaway and the county has~~
16 ~~an approved county runaway treatment plan, placed in a runaway~~
17 ~~assessment center under~~ [section 232.196](#).

18 DIVISION III

19 JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL PROCEEDINGS

20 Sec. 17. Section 232.37, subsection 4, Code 2022, is amended
21 to read as follows:

22 4. Service of summons or notice shall be made personally
23 by the sheriff by delivering a copy of the summons or notice
24 to the person being served. If the court determines that
25 personal service of a summons or notice is impracticable, the
26 court may order service by certified mail addressed to the last
27 known address, by publication, or by electronic mail or other
28 electronic means with the consent of the party to be served.
29 Service of summons or notice shall be made not less than five
30 days before the time fixed for hearing. Service of summons,
31 notice, subpoenas or other process, after an initial valid
32 summons or notice, shall be made in accordance with the rules
33 of the court governing such service in civil actions.

34 Sec. 18. Section 232.57, subsection 2, paragraphs d, e, f,
35 and g, Code 2022, are amended to read as follows:

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

6/47

1 the care of a child to provide for the adequate food, shelter,
2 clothing, medical or mental health treatment, supervision, or
3 other care necessary for the child's health and welfare when
4 financially able to do so or when offered financial or other
5 reasonable means to do so and the failure occurred within five
6 years of a report.

7 Sec. 21. Section 232.68, subsection 2, paragraph a,
8 subparagraph (7), Code 2022, is amended to read as follows:

9 (7) The person responsible for the care of a child,
10 in the presence of a child, as defined in section ~~232.2,~~
11 ~~subsection 6, paragraph "p"~~ 232.96A, subsection 16, paragraph
12 "e", unlawfully uses, possesses, manufactures, cultivates,
13 or distributes a dangerous substance, as defined in section
14 ~~232.2, subsection 6, paragraph "p"~~ 232.96A, subsection 16,
15 paragraph "f", or knowingly allows such use, possession,
16 manufacture, cultivation, or distribution by another person in
17 the presence of a child; possesses a product with the intent
18 to use the product as a precursor or an intermediary to a
19 dangerous substance in the presence of a child; or unlawfully
20 uses, possesses, manufactures, cultivates, or distributes a
21 dangerous substance specified in section 232.2, subsection 6,
22 ~~paragraph "p", subparagraph (2), subparagraph division (a),~~
23 ~~(b), or (c)~~ 232.96A, subsection 16, paragraph "f", subparagraph
24 (1), (2), or (3), in a child's home, on the premises, or in a
25 motor vehicle located on the premises and the incident occurred
26 within five years of a report to the department.

27 Sec. 22. Section 232.70, subsection 1, Code 2022, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 1. Each report made by a mandatory reporter, as defined
31 in section 232.69, subsection 1, or a permissive reporter, as
32 defined in section 232.69, subsection 2, shall be oral.

33 Sec. 23. Section 232.71B, subsection 11, Code 2022, is
34 amended to read as follows:

35 11. *Multidisciplinary team.* In each county or multicounty

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

8/47

1 area in which more than fifty child abuse reports are made
2 per year, the department shall establish a multidisciplinary
3 team, as defined in section 235A.13, subsection 8. Upon the
4 department's request, a multidisciplinary team shall assist
5 the department in the assessment, diagnosis, and disposition
6 of a child abuse assessment and the subsequent provision of
7 services.

8 DIVISION V

9 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TEMPORARY CUSTODY
10 OF A CHILD

11 Sec. 24. Section 232.78, subsection 1, paragraph b, Code
12 2022, is amended to read as follows:

13 b. ~~It appears~~ The court has found that substantial evidence
14 exists to demonstrate that the need for removal outweighs the
15 potential harm removal of the child would cause the child,
16 including but not limited to any physical, emotional, social,
17 and mental trauma the removal may cause the child.

18 c. The court finds that the child's immediate removal
19 is necessary to avoid imminent danger to the child's life
20 or health. The circumstances or conditions indicating the
21 presence of such imminent danger shall include but are not
22 limited to any of the following:

23 (1) The refusal or failure of the person responsible for
24 the care of the child to comply with the request of a peace
25 officer, juvenile court officer, or child protection worker
26 for such person to obtain and provide to the requester the
27 results of a physical or mental examination of the child. The
28 request for a physical examination of the child may specify the
29 performance of a medically relevant test.

30 (2) The refusal or failure of the person responsible for
31 the care of the child or a person present in the person's home
32 to comply with a request of a peace officer, juvenile court
33 officer, or child protection worker for such a person to submit
34 to and provide to the requester the results of a medically
35 relevant test of the person.

1 Sec. 25. Section 232.78, subsection 7, Code 2022, is amended
2 to read as follows:

3 7. Any order entered under this section authorizing
4 temporary removal of a child must include ~~both~~ all of the
5 following:

6 a. A determination made by the court that continuation
7 of the child in the child's home would be contrary to the
8 welfare of the child. Such a determination must be made on a
9 case-by-case basis. The grounds for the court's determination
10 must be explicitly documented and stated in the order.
11 However, preserving the safety of the child must be the court's
12 paramount consideration. If imminent danger to the child's
13 life or health exists at the time of the court's consideration,
14 the determination shall not be a prerequisite to the removal
15 of the child.

16 b. A determination made by the court that the necessity
17 of the removal of the child from the child's home, due to an
18 imminent risk to the child's life or health, is greater than
19 the potential harm including but not limited to physical,
20 emotional, social, and mental trauma the removal may cause the
21 child.

22 ~~b.~~ c. A statement informing the child's parent that the
23 consequences of a permanent removal may include termination of
24 the parent's rights with respect to the child.

25 Sec. 26. Section 232.78, Code 2022, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 8. a. If the juvenile court determines
28 that the child should be temporarily removed from the child's
29 home under this section, the court shall consider placing the
30 child in the custody of another parent of the child. If the
31 juvenile court determines placing custody of the child with any
32 of the child's parents is not in the child's best interests,
33 the child's custody shall be transferred to the department for
34 placement of the child in any of the following categories in
35 the following order of priority:

1 (1) An adult relative of the child including but not limited
2 to adult siblings and parents of siblings.

3 (2) A fictive kin.

4 (3) Any other suitable placement identified by the child's
5 relatives.

6 (4) An individual licensed to provide foster care pursuant
7 to chapter 237. If the child is placed with a licensed foster
8 care provider, the department shall assign decision-making
9 authority to the foster care provider for the purpose of
10 applying the reasonable and prudent parent standard during the
11 child's placement.

12 (5) A group care facility, shelter care facility, or other
13 residential treatment facility.

14 b. (1) If the court places custody of the child with the
15 department pursuant to paragraph "a", the court may identify a
16 category listed in paragraph "a" for placement of the child, but
17 the department shall have the authority to select the specific
18 person or facility within that category for placement, subject
19 to court review at the request of an interested party.

20 (2) The court shall give deference to the department's
21 decision for placement of a child. A party opposed to the
22 department's placement of a child shall have the burden
23 to prove the department failed to act in the child's best
24 interests by unreasonably or irresponsibly failing to discharge
25 its duties in selecting a suitable placement for the child.

26 c. A juvenile court shall not order placement of a child
27 in a category listed in paragraph "a", subparagraph (2), (3),
28 (4), or (5), without a specific finding that placement with a
29 relative is not in the child's best interests and shall provide
30 reasons for the court's finding.

31 Sec. 27. Section 232.79, subsection 2, Code 2022, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. 0c. Make every reasonable effort to place
34 the child with an adult relative or a fictive kin of the child.

35 Sec. 28. Section 232.79A, Code 2022, is amended to read as

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 follows:

2 **232.79A Children without adult supervision.**

3 If a peace officer determines that a child does not have
4 adult supervision because the child's parent, guardian, or
5 other person responsible for the care of the child has been
6 arrested and detained or has been unexpectedly incapacitated,
7 and that no adult who is legally responsible for the care
8 of the child can be located within a reasonable period of
9 time, the peace officer shall attempt to place the child with
10 an adult relative of the child, ~~an adult person who cares~~
11 ~~for the child, or another adult person who is known to the~~
12 ~~child~~ or a fictive kin. The person with whom the child is
13 placed is authorized to give consent for emergency medical
14 treatment of the child and shall not be held liable for any
15 action arising from giving the consent. Upon the request
16 of the peace officer, the department shall assist in making
17 the placement. The placement shall not exceed a period of
18 twenty-four hours and shall be terminated when a person who
19 is legally responsible for the care of the child is located
20 and takes custody of the child. If a person who is legally
21 responsible for the care of the child cannot be located within
22 the twenty-four hour period or a placement in accordance with
23 this section is unavailable, the provisions of [section 232.79](#)
24 shall apply. If the person with whom the child is placed
25 charges a fee for the care of the child, the fee shall be paid
26 from funds provided in the appropriation to the department for
27 protective child care.

28 Sec. 29. NEW SECTION. **232.79B Safety plans.**

29 1. For the purposes of this section, "safety plan" means
30 a short-term, time-limited agreement entered into between the
31 department and a child's parent designed to address signs of
32 imminent or impending danger to a child identified by the
33 department.

34 2. Upon the department's determination that potential harm
35 to a child may be mitigated by the development of a safety

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

12/47

1 plan, the department may enter into a safety plan with the
2 child's parent.

3 3. A safety plan shall not be construed as a removal from
4 parental custody absent a court order placing the child with a
5 person or facility other than the parent who entered into the
6 safety plan.

7 4. The department shall adopt rules to implement this
8 section.

9 Sec. 30. Section 232.82, Code 2022, is amended to read as
10 follows:

11 **232.82 Removal of sexual offenders, and physical abusers, and**
12 **domestic abusers from the residence pursuant to court order.**

13 1. Notwithstanding [section 561.15](#), if it is alleged by
14 a person authorized to file a petition under section 232.87,
15 subsection 2, or by the court on its own motion, that a parent,
16 guardian, custodian, or an adult member of the household in
17 which a child resides has committed a sexual offense with or
18 against the child, pursuant to [chapter 709](#) or [section 726.2](#), or
19 a physical abuse as defined by in [section 232.2](#), subsection 42,
20 or domestic abuse assault as defined in section 708.2A, against
21 the child or another household member at a location or in a
22 manner a reasonably prudent person would know the child could
23 see, hear, or otherwise experience, the juvenile court may
24 enter an ex parte order requiring the alleged sexual offender,
25 or physical abuser, or domestic abuser to vacate the child's
26 residence upon a showing that probable cause exists to believe
27 that the sexual offense, or physical abuse, or domestic abuse
28 has occurred and that substantial evidence exists to believe
29 that the presence of the alleged sexual offender, or physical
30 abuser, or domestic abuser in the child's residence presents a
31 danger to the child's life or physical, emotional, or mental
32 health.

33 2. If an order is entered under [subsection 1](#) and a petition
34 has not yet been filed under [this chapter](#), the petition shall
35 be filed under [section 232.87](#) by the county attorney, the

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

13/47

1 department of human services, or a juvenile court officer
2 within three days of the entering of the order.

3 3. The juvenile court may order on its own motion, or
4 shall order upon the request of the alleged sexual offender,
5 ~~or physical abuser, or domestic abuser~~ a hearing to determine
6 whether the order to vacate the residence should be upheld,
7 modified, or vacated. The hearing shall be held within thirty
8 days of removal of the alleged sexual offender, physical
9 abuser, or domestic abuser from the residence. The juvenile
10 court may in any later child in need of assistance proceeding
11 uphold, modify, or vacate the order to vacate the residence.

12 Sec. 31. Section 232.84, subsection 2, Code 2022, is amended
13 to read as follows:

14 2. ~~Within~~ Unless the custody of a child is transferred
15 from one of the child's parents to another parent of the
16 child, within thirty days after the entry of an order under
17 this chapter ~~transferring custody of a child to an agency for~~
18 ~~placement~~ removing a child from the custody of a parent or
19 parents of the child, the agency department shall exercise due
20 diligence in identifying and providing notice to the child's
21 grandparents, aunts, uncles, adult siblings, parents of the
22 child's siblings, and adult relatives suggested by the child's
23 parents, subject to exceptions due to the presence of family or
24 domestic violence.

25 Sec. 32. Section 232.84, Code 2022, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 4. The agency may share information as
28 necessary to explore a child's potential placement with any
29 adult relative who may receive notice pursuant to subsection 2.

30 NEW SUBSECTION. 5. If an adult relative entitled to notice
31 pursuant to subsection 2 is later discovered by or identified
32 to the department, the department shall provide notice to that
33 relative within thirty days of that relative becoming known to
34 the department.

35 Sec. 33. NEW SECTION. **232.96A Child in need of assistance**

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 **adjudication.**

2 The court may adjudicate a child in need of assistance
3 if such child is unmarried and meets any of the following
4 requirements:

5 1. The child's parent, guardian, or other custodian has
6 abandoned or deserted the child.

7 2. The child's parent, guardian, other custodian, or
8 other member of the household in which the child resides has
9 physically abused or neglected the child, or is imminently
10 likely to physically abuse or neglect the child.

11 3. The child has suffered or is imminently likely to suffer
12 harmful effects as a result of any of the following:

13 a. Mental injury caused by the acts of the child's parent,
14 guardian, or custodian.

15 b. The failure of the child's parent, guardian, custodian,
16 or other member of the household in which the child resides to
17 exercise a reasonable degree of care in supervising the child.

18 c. The child's parent, guardian, custodian, or person
19 responsible for the care of a child as defined in section
20 232.68, has knowingly disseminated or exhibited obscene
21 material, as defined in section 728.1, to the child.

22 4. The child has been, or is imminently likely to be,
23 sexually abused by the child's parent, guardian, custodian, or
24 other member of the household in which the child resides.

25 5. The child is in need of medical treatment to cure,
26 alleviate, or prevent serious physical injury or illness and
27 whose parent, guardian, or custodian is unwilling or unable to
28 provide such treatment.

29 6. The child is in need of treatment to cure or alleviate
30 serious mental illness or disorder, or emotional damage
31 as evidenced by severe anxiety, depression, withdrawal, or
32 untoward aggressive behavior toward the child's self or others
33 and the child's parent, guardian, or custodian is unwilling to
34 provide such treatment.

35 7. The child's parent, guardian, or custodian fails to

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

15/47

1 exercise a minimal degree of care in supplying the child with
2 adequate food, clothing, or shelter and refuses other means
3 made available to provide such essentials.

4 8. The child has committed a delinquent act as a result
5 of pressure, guidance, or approval from a parent, guardian,
6 custodian, or other member of the household in which the child
7 resides.

8 9. The child has been the subject of or a party to sexual
9 activities for hire or who poses for live display or for
10 photographic or other means of pictorial reproduction or
11 display which is designed to appeal to the prurient interest,
12 is patently offensive, and taken as a whole, lacks serious
13 literary, scientific, political, or artistic value.

14 10. The child is without a parent, guardian, or other
15 custodian.

16 11. The child's parent, guardian, or other custodian for
17 good cause desires to be relieved of the child's care and
18 custody.

19 12. The child for good cause desires to have the child's
20 parents relieved of the child's care and custody.

21 13. The child is in need of treatment to cure or alleviate
22 chemical dependency and whose parent, guardian, or custodian is
23 unwilling or unable to provide such treatment.

24 14. The child's parent, guardian, or custodian suffers
25 from a mental incapacity, a mental condition, imprisonment, or
26 drug or alcohol abuse that results in the child not receiving
27 adequate care or being imminently likely not to receive
28 adequate care.

29 15. The child's body has an illegal drug present as a
30 direct and foreseeable consequence of the acts or omissions of
31 the child's parent, guardian, or custodian. The presence of
32 the drug shall be determined in accordance with a medically
33 relevant test as defined in section 232.73.

34 16. The child's parent, guardian, custodian, or other adult
35 member of the household in which a child resides does any of

1 the following:

2 *a.* Unlawfully uses, possesses, manufactures, cultivates, or
3 distributes a dangerous substance in the presence of the child.

4 *b.* Knowingly allows the use, possession, manufacture,
5 cultivation, or distribution of a dangerous substance by
6 another person in the presence of the child.

7 *c.* Possesses a product with the intent to use the product as
8 a precursor or an intermediary to a dangerous substance in the
9 presence of the child.

10 *d.* Unlawfully uses, possesses, manufactures, cultivates,
11 or distributes a dangerous substance listed in paragraph "f",
12 subparagraph (1), (2), or (3), in the child's home, on the
13 premises, or in a motor vehicle located on the premises.

14 *e.* For the purposes of this subsection, "*in the presence of*
15 *a child*" means in the physical presence of a child or occurring
16 under other circumstances in which a reasonably prudent person
17 would know that the use, possession, manufacture, cultivation,
18 or distribution of a dangerous substance may be seen, smelled,
19 ingested, or heard by a child.

20 *f.* For the purposes of this subsection, "*dangerous*
21 *substance*" means any of the following:

22 (1) Amphetamine, its salts, isomers, or salts of its
23 isomers.

24 (2) Methamphetamine, its salts, isomers, or salts of its
25 isomers.

26 (3) A chemical or combination of chemicals that poses a
27 reasonable risk of causing an explosion, fire, or other danger
28 to the life or health of persons who are in the vicinity while
29 the chemical or combination of chemicals is used or is intended
30 to be used in any of the following:

31 (a) The process of manufacturing an illegal or controlled
32 substance.

33 (b) As a precursor in the manufacturing of an illegal or
34 controlled substance.

35 (c) As an intermediary in the manufacturing of an illegal

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

17/47

1 or controlled substance.

2 (4) Cocaine, its salts, isomers, salts of its isomers, or
3 derivatives.

4 (5) Heroin, its salts, isomers, salts of its isomers, or
5 derivatives.

6 (6) Opium and opiate, and any salt, compound, derivative, or
7 preparation of opium or opiate.

8 17. The child is a newborn infant whose parent has
9 voluntarily released custody of the child in accordance with
10 chapter 233.

11

DIVISION VI

12 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — JUDICIAL PROCEEDINGS

13 Sec. 34. Section 232.89, subsection 1, Code 2022, is amended
14 to read as follows:

15 1. Upon the filing of a petition the parent, guardian,
16 putative father, or custodian identified in the petition
17 shall have the right to counsel in connection with all
18 subsequent hearings and proceedings. If that person desires
19 but is financially unable to employ counsel, the court shall
20 appoint counsel. A putative father is not a necessary party
21 to a proceeding until the putative father's paternity is
22 established.

23 Sec. 35. Section 232.89, subsection 2, paragraph a, Code
24 2022, is amended to read as follows:

25 a. If the child is represented by counsel and the court
26 determines there is a conflict of interest between the child
27 and the child's parent, guardian, putative father, or custodian
28 and that the retained counsel could not properly represent the
29 child as a result of the conflict, the court shall appoint
30 other counsel to represent the child, who shall be compensated
31 pursuant to the provisions of [subsection 3](#).

32 Sec. 36. Section 232.89, subsection 4, Code 2022, is amended
33 to read as follows:

34 4. The same person may serve both as the child's counsel
35 and as guardian ad litem. However, the court may appoint a

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

18/47

1 separate guardian ad litem, if the same person cannot properly
2 represent the legal interests of the child as legal counsel
3 and also represent the best ~~interest~~ interests of the child as
4 guardian ad litem in accordance with section 232.2, subsection
5 22, paragraph "e", or a separate guardian ad litem is required
6 to fulfill the requirements of subsection 2. If a child's
7 guardian ad litem is also acting as an attorney for the child,
8 each report submitted to a court by the guardian ad litem shall
9 contain a statement indicating whether a separate guardian ad
10 litem is required based on the guardian ad litem's interviews
11 and investigations conducted until the time a report is
12 submitted to the court.

13 Sec. 37. Section 232.91, subsections 1, 2, 3, and 4, Code
14 2022, are amended to read as follows:

15 1. Any hearings or proceedings under this subchapter
16 subsequent to the filing of a petition shall not take place
17 without the presence of the child's parent, guardian,
18 custodian, or guardian ad litem in accordance with and subject
19 to section 232.38. A parent without custody ~~may petition~~
20 ~~the court to~~ shall be made a party to proceedings under this
21 subchapter.

22 2. An agency, facility, institution, ~~or person~~ adult
23 relative with a substantial relationship to the child, fictive
24 kin, including a foster parent or an individual providing
25 preadoptive care, or individual providing custodial care to the
26 child may petition the court to be made a party to proceedings
27 under this subchapter.

28 3. Any person who is entitled under section 232.88 to
29 receive notice of a hearing concerning a child shall be given
30 the opportunity to be heard in any other review or hearing
31 involving the child. A foster parent, adult relative, or other
32 individual with whom a child has been placed for preadoptive
33 care shall have the right to be heard in any proceeding
34 involving the child. If a child is of an age appropriate to
35 attend the hearing but the child does not attend, the court

1 shall determine if the child was informed of the child's right
2 to attend the hearing. A presumption exists that it is in the
3 best interests of a child ~~fourteen~~ ten years of age or older to
4 attend all hearings.

5 4. If a child is of an age appropriate to attend a hearing
6 but the child does not attend, the court shall determine if the
7 child was informed of the child's right to attend the hearing.
8 A presumption exists that it is in the best interests of a
9 child ~~fourteen~~ ten years of age or older to attend all hearings
10 and all staff or family meetings involving placement options
11 or services provided to the child. The department shall allow
12 the child to attend all such hearings and meetings unless the
13 attorney for the child finds the child's attendance is not in
14 the best interests of the child. If the child is excluded from
15 attending a hearing or meeting, the department shall maintain a
16 written record detailing the reasons for excluding the child.
17 Notwithstanding [sections 232.147 through 232.151](#), a copy of the
18 written record shall be made available to the child upon the
19 request of the child after reaching the age of majority.

20 Sec. 38. NEW SECTION. **232.94B Continuances.**

21 A court may grant a continuance in a child in need of
22 assistance proceeding or a termination of a parent-child
23 relationship proceeding only for good cause shown.

24 Sec. 39. Section 232.95, subsection 2, Code 2022, is amended
25 by striking the subsection and inserting in lieu thereof the
26 following:

27 2. *a.* Upon such hearing, the court may do any of the
28 following:

29 (1) Return the child to a person with legal custody of the
30 child pending a final order of disposition.

31 (2) Remove the child from home and place the child with a
32 parent of the child pending a final order of disposition.

33 (3) Remove the child from home and place custody of the
34 child with the department for placement of the child, pending a
35 final order of disposition, in any of the following categories

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

20/47

1 in the following order of priority:

2 (a) An adult relative of the child including but not limited
3 to adult siblings and parents of siblings.

4 (b) A fictive kin.

5 (c) Any other suitable placement identified by the child's
6 relatives.

7 (d) An individual licensed to provide foster care pursuant
8 to chapter 237. If the child is placed with a licensed foster
9 care provider, the department shall assign decision-making
10 authority to the foster care provider for the purpose of
11 applying the reasonable and prudent parent standard during the
12 child's placement.

13 (e) A group care facility, shelter care facility, or other
14 residential treatment facility.

15 (4) Authorize a physician or hospital to provide medical
16 or surgical procedures if such procedures are necessary to
17 safeguard the child's life or health.

18 Sec. 40. Section 232.95, Code 2022, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 5. a. If the court orders a removal
21 pursuant to subsection 2, paragraph "a", subparagraph (2) or
22 (3), the court shall, in addition, make a determination that
23 continuation of the child in the child's home would be contrary
24 to the welfare of the child, and that reasonable efforts have
25 been made to prevent or eliminate the need for removal of the
26 child from the child's home. The court shall also make a
27 finding that substantial evidence exists to demonstrate that
28 the need for removal due to an imminent risk to the child's
29 life or health is greater than the potential harm including
30 but not limited to any physical, emotional, social, or mental
31 trauma the removal may cause the child.

32 b. The court's determination regarding continuation
33 of the child in the child's home and regarding reasonable
34 efforts, including those made to prevent removal and those
35 made to finalize any permanency plan in effect as well as any

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

21/47

1 determination by the court that reasonable efforts are not
2 required, must be made on a case-by-case basis. The grounds
3 for each determination must be specifically documented and
4 stated in the court order. However, preserving the safety of
5 the child must be the court's paramount consideration. If
6 imminent danger to the child's life or health exists at the
7 time of the court's consideration, the determinations otherwise
8 required under this paragraph shall not be a prerequisite for
9 an order for temporary removal of the child.

10 NEW SUBSECTION. 6. a. (1) If the court places custody
11 of the child with the department pursuant to subsection 2,
12 paragraph "a", subparagraph (3), the court may identify a
13 category listed in subsection 2, paragraph "a", subparagraph
14 (3), for placement of the child, but the department shall have
15 the authority to select the specific person or facility within
16 that category for placement, subject to court review at the
17 request of an interested party.

18 (2) The court shall give deference to the department's
19 decision for placement of a child. A party opposed to the
20 department's placement of a child shall have the burden
21 to prove the department failed to act in the child's best
22 interests by unreasonably or irresponsibly failing to discharge
23 its duties in selecting a suitable placement for the child.

24 b. The court shall not order placement of a child in
25 a category identified in subsection 2, paragraph "a",
26 subparagraph (3), subparagraph division (b), (c), (d), or
27 (e), without a specific finding that placement with an adult
28 relative is not in the child's best interests and providing
29 reasons for the finding.

30 c. If the court orders the removal of a child pursuant
31 to subsection 2, paragraph "a", subparagraph (2) or (3), the
32 order shall also include a statement informing the child's
33 parent that the consequences of a permanent removal may include
34 termination of the parent's rights with respect to the child.

35 Sec. 41. Section 232.96, subsection 6, Code 2022, is amended

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

22/47

1 to read as follows:

2 6. A report, study, record, or other writing or an
3 audiotape or videotape recording made by the department of
4 human services, a juvenile court officer, a peace officer, a
5 child protection center, or a hospital relating to a child in a
6 proceeding under this subchapter is admissible notwithstanding
7 any objection to hearsay statements contained in it provided
8 it is relevant and material and provided its probative value
9 substantially outweighs the danger of unfair prejudice to the
10 child's parent, guardian, or custodian. The circumstances of
11 the making of the report, study, record or other writing or an
12 audiotape or videotape recording, including the maker's lack of
13 personal knowledge, may be proved to affect its weight.

14 Sec. 42. Section 232.96, subsection 10, Code 2022, is
15 amended to read as follows:

16 10. If the court enters an order adjudicating the child
17 to be a child in need of assistance, the court, if it has not
18 previously done so, may issue an order authorizing temporary
19 removal of the child from the child's home as set forth in
20 section 232.95, subsection 2, paragraph "a", subparagraph (2)
21 or (3), pending a final order of disposition. The order shall
22 include ~~both~~ all of the following:

23 a. A determination that continuation of the child in the
24 child's home would be contrary to the welfare of the child,
25 ~~and that reasonable efforts, as defined in section 232.102,~~
26 have been made to prevent or eliminate the need for removal of
27 the child from the child's home and the court has found that
28 substantial evidence exists to demonstrate that the need for
29 removal due to an imminent risk to the child's life or health
30 is greater than the potential harm including but not limited to
31 any physical, emotional, social, or mental trauma the removal
32 may cause the child. The court's determination regarding
33 continuation of the child in the child's home, and regarding
34 reasonable efforts, including those made to prevent removal
35 and those made to finalize any permanency plan in effect, as

1 well as any determination by the court that reasonable efforts
2 are not required, must be made on a case-by-case basis. The
3 grounds for each determination must be explicitly documented
4 and stated in the court order. However, preserving the safety
5 of the child is the paramount consideration. If imminent
6 danger to the child's life or health exists at the time of the
7 court's consideration, the determinations otherwise required
8 under this paragraph shall not be a prerequisite for an order
9 for temporary removal of the child.

10 *b.* A statement informing the child's parent that the
11 consequences of a permanent removal may include termination of
12 the parent's rights with respect to the child.

13 *c.* If the court orders a removal of a child pursuant to this
14 subsection and placement of a child pursuant to section 232.95,
15 subsection 2, paragraph "a", subparagraph (3), subparagraph
16 division (b), (c), (d), or (e), a specific finding that
17 placement with an adult relative is not in the child's best
18 interests and the reasons for the finding.

19 Sec. 43. Section 232.96, Code 2022, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 11. *a.* If the court places custody of the
22 child with the department pursuant to subsection 10, the court
23 may identify a category listed in section 232.95, subsection 2,
24 paragraph "a", for placement of the child, but the department
25 shall have the authority to select the specific person or
26 facility within that category for placement, subject to court
27 review at the request of an interested party.

28 *b.* The court shall give deference to the department's
29 decision for placement of a child. A party opposed to the
30 department's placement of a child shall have the burden
31 to prove the department failed to act in the child's best
32 interests by unreasonably or irresponsibly failing to discharge
33 its duties in selecting a suitable placement for the child.

34 Sec. 44. Section 232.97, subsection 3, Code 2022, is amended
35 to read as follows:

1 3. The social report shall not be disclosed except as
2 provided in this section and except as otherwise provided in
3 this chapter. At least five days prior to the hearing at which
4 the disposition is determined, the ~~court~~ department shall ~~send~~
5 file a copy of the social report ~~to~~ with the court and the court
6 shall restrict access of the social report to counsel for the
7 child, counsel for the child's parent, guardian, or custodian,
8 the department, the court appointed special advocate, a local
9 board as defined in section 237.15, the county attorney,
10 the state's counsel, and the guardian ad litem. The court
11 may in its discretion order counsel not to disclose parts
12 of the report to the child, or to the parent, guardian, or
13 custodian ~~if disclosure would seriously harm the treatment~~
14 ~~or rehabilitation of the child or would violate a promise of~~
15 ~~confidentiality given to a source of information.~~ If the
16 report indicates the child or parent has behaved in a manner
17 that threatened the safety of another person, has committed a
18 violent act causing bodily injury to another person, or has
19 committed sexual abuse, or the child has been a victim ~~or~~
20 ~~perpetrator~~ of sexual abuse, unless otherwise ordered by the
21 court, the child's parent, guardian, or foster parent or other
22 person with custody of or providing substantial care to the
23 child shall be provided with that information.

24 Sec. 45. Section 232.102, subsection 1, paragraph a, Code
25 2022, is amended by striking the paragraph and inserting in
26 lieu thereof the following:

27 a. After a dispositional hearing, the court may enter an
28 order transferring the legal custody of the child to a parent
29 of the child. If the court finds that custody with either
30 of the child's parents is not in the child's best interests,
31 the child's custody shall be transferred to the department for
32 placement of the child in any of the following categories in
33 the following order of priority:

34 (1) An adult relative of the child including but not limited
35 to adult siblings and parents of siblings.

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

25/47

1 (2) A fictive kin.

2 (3) Any other suitable placement identified by the child's
3 relatives.

4 (4) An individual licensed to provide foster care pursuant
5 to chapter 237. If the child is placed with a licensed foster
6 care provider, the department shall assign decision-making
7 authority to the foster care provider for the purpose of
8 applying the reasonable and prudent parent standard during the
9 child's placement.

10 (5) A group care facility, shelter care facility, or other
11 residential treatment facility.

12 *b.* (1) If the court places custody of the child with the
13 department pursuant to paragraph "a", the court may identify a
14 category listed in paragraph "a" for placement of the child, but
15 the department shall have the authority to select the specific
16 person or facility within that category for placement, subject
17 to court review at the request of an interested party.

18 (2) The court shall give deference to the department's
19 decision for placement of a child. A party opposed to the
20 department's placement of a child shall have the burden
21 to prove the department failed to act in the child's best
22 interests by unreasonably or irresponsibly failing to discharge
23 its duties in selecting a suitable placement for the child.

24 *c.* A court shall not order placement of a child in a
25 category identified in paragraph "a", subparagraph (2), (3),
26 (4), or (5) without a specific finding that placement with
27 an adult relative is not in the child's best interests and
28 providing reasons for the court's finding.

29 *d.* If the child is fourteen years of age or older, the
30 order shall specify the services needed to assist the child in
31 preparing for the transition from foster care to adulthood. If
32 the child has a case permanency plan, the court shall consider
33 the written transition plan of services and needs assessment
34 developed for the child's case permanency plan. If the child
35 does not have a case permanency plan containing the transition

1 plan and needs assessment at the time the order is entered, the
2 written transition plan and needs assessment shall be developed
3 and submitted for the court's consideration no later than six
4 months from the date of the transfer order. The court shall
5 modify the initial transfer order as necessary to specify
6 the services needed to assist the child in preparing for the
7 transition from foster care to adulthood. If the transition
8 plan identifies services or other support needed to assist
9 the child when the child becomes an adult and the court deems
10 it to be beneficial to the child, the court may authorize
11 the individual who is the child's guardian ad litem or court
12 appointed special advocate to continue a relationship with and
13 provide advice to the child for a period of time beyond the
14 child's eighteenth birthday.

15 Sec. 46. Section 232.102, subsection 2, Code 2022, is
16 amended to read as follows:

17 2. The court shall not order group foster care placement of
18 the child which is a charge upon the state ~~if that placement~~
19 ~~is not in accordance with the service area plan for group~~
20 ~~foster care established pursuant to [section 232.143](#) for the~~
21 ~~departmental service area in which the court is located unless~~
22 the group foster care meets the requirements established by the
23 department by rule.

24 Sec. 47. Section 232.102, subsections 5, 11, and 12, Code
25 2022, are amended by striking the subsections.

26 Sec. 48. Section 232.102, subsection 10, Code 2022, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 10. Unless prohibited by court order or the department or
30 juvenile court services finds that allowing the visitation
31 would not be in the child's best interests, the department or
32 juvenile court services may authorize reasonable visitation
33 between the child and the child's adult relative or a fictive
34 kin.

35 Sec. 49. NEW SECTION. **232.102A Reasonable efforts.**

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

27/47

1 1. For the purposes of this subchapter:

2 *a. "Reasonable efforts"* means the efforts made to preserve
3 and unify a family prior to the out-of-home placement of a
4 child in foster care or to eliminate the need for removal of
5 the child or make it possible for the child to safely return
6 to the family's home. Reasonable efforts include but are not
7 limited to giving consideration, if appropriate, to interstate
8 placement of a child in the permanency planning decisions
9 involving the child and giving consideration to in-state and
10 out-of-state placement options at a permanency hearing and
11 when using concurrent planning. If returning the child to the
12 family's home is not appropriate or not possible, reasonable
13 efforts shall include the efforts made in a timely manner to
14 finalize a permanency plan for the child. A child's health
15 and safety shall be the paramount concern in making reasonable
16 efforts. Reasonable efforts may include but are not limited
17 to family-centered services, if the child's safety in the home
18 can be maintained during the time the services are provided.
19 In determining whether reasonable efforts have been made, the
20 court shall consider all of the following:

21 (1) The type, duration, and intensity of services or support
22 offered or provided to the child and the child's family. If
23 family-centered services were not provided, the court record
24 shall enumerate the reasons the services were not provided,
25 including but not limited to whether the services were not
26 available, not accepted by the child's family, judged to be
27 unable to protect the child and the child's family during
28 the time the services would have been provided, judged to be
29 unlikely to be successful in resolving the problems which would
30 lead to removal of the child, or other services were found to
31 be more appropriate.

32 (2) The relative risk to the child of remaining in the
33 child's home versus removal of the child.

34 *b. "Family-centered services"* means services and other
35 support intended to safely maintain a child with the child's

1 family or with an adult relative, to safely and in a timely
2 manner return a child to the home of the child's parent or
3 relative, or to promote achievement of concurrent planning
4 goals by identifying and helping the child secure placement for
5 adoption, with a guardian, or with other alternative permanent
6 family connections. Family-centered services include services
7 adapted to the individual needs of a family in regard to the
8 specific services and other support provided to the child's
9 family and the intensity and duration of service delivery and
10 services intended to preserve a child's connections to the
11 child's neighborhood, community, and family and to improve the
12 overall capacity of the child's family to provide for the needs
13 of the children in the family.

14 2. Family interactions shall continue regardless of a
15 parent's failure to comply with the requirements of a court
16 order or the department, provided there is no finding by
17 a court or the department that such interaction would be
18 detrimental to the child.

19 3. The performance of reasonable efforts to place a child
20 for adoption or with a guardian may be made concurrently with
21 making reasonable efforts as defined in this section.

22 4. If the court determines by clear and convincing evidence
23 that aggravated circumstances exist supported by written
24 findings of fact based upon evidence in the record, the court
25 may waive the requirement for making reasonable efforts. The
26 existence of aggravated circumstances is indicated by any of
27 the following:

28 a. The parent has abandoned the child.

29 b. The court finds the circumstances described in section
30 232.116, subsection 1, paragraph "i", are applicable to the
31 child.

32 c. The parent's parental rights have been terminated under
33 section 232.116 or involuntarily terminated by an order of a
34 court of competent jurisdiction in another state with respect
35 to another child who is a member of the same family, and there

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 is clear and convincing evidence to show that the offer or
2 receipt of services would not be likely within a reasonable
3 period of time to correct the conditions which led to the
4 child's removal.

5 *d.* The parent has been convicted of the murder of another
6 child.

7 *e.* The parent has been convicted of the voluntary
8 manslaughter of another child.

9 *f.* The parent has been convicted of aiding or abetting,
10 attempting, conspiring in, or soliciting the commission of the
11 murder or voluntary manslaughter of another child.

12 *g.* The parent has been convicted of a felony assault which
13 resulted in serious bodily injury to the child or another
14 child.

15 5. Prior services the state provided to the family shall not
16 be considered in making a determination as to whether a waiver
17 of reasonable efforts is appropriate.

18 Sec. 50. Section 232.103, subsection 2, paragraph b, Code
19 2022, is amended to read as follows:

20 *b.* The child's parent, guardian or custodian, except that
21 such motion may be filed by that person not more often than
22 once every ~~six months~~ sixty days except with leave of court for
23 good cause shown.

24 Sec. 51. Section 232.103A, Code 2022, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 8. A court-appointed attorney shall be paid
27 by the state public defender's office for work done relating
28 to a bridge order.

29 Sec. 52. Section 232.104, subsection 2, paragraph d,
30 subparagraphs (1) and (2), Code 2022, are amended by striking
31 the subparagraphs and inserting in lieu thereof the following:

32 (1) Transfer sole custody of the child from one parent to
33 another parent.

34 (2) Transfer guardianship and custody of the child to an
35 adult relative, a fictive kin, or another suitable person.

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

30/47

1 Sec. 53. Section 232.104, Code 2022, is amended by adding
2 the following new subsection:

3 ~~NEW SUBSECTION.~~ 4A. A court shall apply the priority
4 of placement requirements of section 232.102, subsection
5 1, paragraphs "a" and "c", when entering a permanency order
6 pursuant to subsection 2, paragraph "d".

7 Sec. 54. Section 232.108, subsections 1, 2, and 3, Code
8 2022, are amended to read as follows:

9 1. If the court orders the transfer of custody of a
10 child and siblings to the department or other agency for
11 placement under ~~this subchapter, under subchapter II, relating~~
12 ~~to juvenile delinquency proceedings, or under any other~~
13 ~~provision of this chapter,~~ the department or other agency
14 shall make a reasonable effort efforts to place the child and
15 siblings together ~~in the same placement whenever possible if~~
16 such placement is in the best interests of each child. The
17 requirement of ~~this subsection~~ remains applicable to custody
18 transfer orders made at separate times and provided the
19 requirement will not jeopardize the stability of placements
20 and is in the best interests of each child. The requirement
21 of this subsection also applies in addition to efforts made ~~by~~
22 ~~the department or agency~~ to place the child with a an adult
23 relative.

24 2. If the requirements of ~~subsection 1~~ apply but the
25 siblings are not placed in the same placement together, the
26 ~~department or other agency~~ child's attorney or guardian ad
27 litem shall provide the siblings with the reasons why and the
28 efforts being made to facilitate such placement, or why making
29 efforts for such placement is not appropriate. An explanation
30 is not required if the ages or mental states of the siblings
31 make such an explanation inappropriate. Unless visitation or
32 ongoing interaction with siblings is suspended or terminated
33 by the court, the department ~~or agency~~ shall make reasonable
34 ~~effort~~ efforts to provide for ~~frequent~~ visitation or other
35 ongoing interaction between the child and the child's siblings

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 from the time of the child's out-of-home placement until
2 the child returns home or is in a permanent placement. The
3 department shall make reasonable efforts for such visitations
4 or interactions to occur at least once every thirty days unless
5 more frequent or less frequent visitation is ordered by the
6 court based on the child's circumstances.

7 3. A person who wishes to assert a sibling relationship
8 with a child who is subject to an order under [this chapter](#) for
9 an out-of-home placement and to request ~~frequent~~ visitation
10 or other ongoing interaction with the child may file a motion
11 or petition with the court with jurisdiction over the child.
12 Unless the court determines it would not be in the child's best
13 ~~interest~~ interests, upon finding that the person is a sibling
14 of the child, the provisions of [this section](#) providing for
15 frequent visitation or other ongoing interaction between the
16 siblings shall apply. Nothing in [this section](#) is intended to
17 provide or expand a right to counsel under [this chapter](#) beyond
18 the right provided and persons specified in [sections 232.89](#) and
19 [232.113](#).

20 DIVISION VII

21 TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDINGS

22 Sec. 55. Section 232.111, subsection 2, paragraph a,
23 subparagraphs (2), (4), (5), and (6), Code 2022, are amended
24 to read as follows:

25 (2) A court has determined aggravated circumstances exist
26 and has waived the requirement for making reasonable efforts
27 ~~under~~, as defined in [section 232.102](#) [232.102A](#) because the court
28 has found the circumstances described in section 232.116,
29 subsection 1, paragraph "i", are applicable to the child.

30 (4) The parent has been convicted of the murder or the
31 voluntary manslaughter of another child ~~of the parent~~.

32 (5) The parent has been convicted of aiding or abetting,
33 attempting, conspiring in, or soliciting the commission of
34 the murder or voluntary manslaughter of another child ~~of the~~
35 ~~parent~~.

1 (6) The parent has been convicted of a felony assault which
2 resulted in serious bodily injury of the child or of another
3 child ~~of the parent~~.

4 Sec. 56. Section 232.112, subsection 3, Code 2022, is
5 amended to read as follows:

6 3. Notice under [this section](#) shall be served personally,
7 sent by restricted certified mail, or sent by electronic mail
8 or other electronic means with the consent of the party to be
9 served, whichever is determined by the court to be the most
10 effective means of notification. If the court determines
11 that personal service is impracticable, the court may order
12 service by publication. Such notice shall be made according
13 to the rules of civil procedure relating to an original notice
14 where not inconsistent with the provisions of [this section](#).
15 Notice by personal delivery and notice sent by electronic
16 mail or other electronic means with the consent of the party
17 to be served shall be served not less than seven days prior
18 to the hearing on termination of parental rights. Notice by
19 restricted certified mail shall be sent not less than fourteen
20 days prior to the hearing on termination of parental rights.
21 A notice by restricted certified mail which is refused by the
22 necessary party given notice shall be sufficient notice to the
23 party under [this section](#).

24 Sec. 57. Section 232.116, subsection 1, paragraph d,
25 subparagraph (1), Code 2022, is amended to read as follows:

26 (1) The court has previously adjudicated the child to be
27 a child in need of assistance after finding the child to have
28 been physically or sexually abused or neglected as the result
29 of the acts or omissions of one or both parents, or the court
30 has previously adjudicated a child who is a member of the
31 same family to be a child in need of assistance after such a
32 finding. This paragraph shall not be construed to require that
33 a finding of sexual abuse or neglect requires a finding of a
34 nonaccidental physical injury.

35 Sec. 58. Section 232.116, subsection 1, paragraph i,

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

33/47

1 subparagraph (1), Code 2022, is amended to read as follows:

2 (1) The child meets the definition of child in need of
3 assistance based on a finding of physical or sexual abuse or
4 neglect as a result of the acts or omissions of one or both
5 parents. This paragraph shall not be construed to require that
6 a finding of sexual abuse or neglect requires a finding of a
7 nonaccidental physical injury.

8 Sec. 59. Section 232.116, subsection 1, paragraph 1,
9 subparagraphs (1) and (2), Code 2022, are amended by striking
10 the subparagraphs and inserting in lieu thereof the following:

11 (1) The child has been adjudicated a child in need of
12 assistance pursuant to section 232.96 and custody has been
13 transferred from the child's parents for placement pursuant to
14 section 232.102.

15 (2) The parent has a severe substance-related disorder as
16 described by either of the following:

17 (a) The severe substance-related disorder meets the
18 definition for that term as defined in the most current edition
19 of the diagnostic and statistical manual prepared by the
20 American psychiatric association, and the parent presents a
21 danger to self or others as evidenced by prior acts.

22 (b) The disorder is evidenced by continued and repeated use
23 through the case, the parent's refusal to obtain a substance
24 abuse evaluation or treatment after given the opportunity to
25 do so, and the parent presents a danger to self or others as
26 evidenced by prior acts.

27 Sec. 60. Section 232.117, subsection 3, Code 2022, is
28 amended by striking the subsection and inserting in lieu
29 thereof the following:

30 3. If the court concludes that facts sufficient to sustain
31 the petition have been established by clear and convincing
32 evidence, the court may order parental rights terminated. If
33 the court terminates the parental rights of a child's parent,
34 the court shall transfer the guardianship and custody of the
35 child to a parent of the child whose parental rights have not

1 been terminated. If the court finds guardianship and custody
2 with the child's parents is not in the child's best interests,
3 guardianship and custody shall be transferred for placement of
4 the child in any of the following categories in the following
5 order of priority:

6 *a.* The department if the department had custody of the child
7 at the time of the filing of the petition for termination of
8 parental rights, or if custody with the department is necessary
9 to facilitate the permanency or adoption goal, unless the
10 department waives its priority.

11 *b.* An adult relative of the child, including but not limited
12 to adult siblings or parents of siblings.

13 *c.* A fictive kin.

14 *d.* A child-placing agency or other suitable private agency,
15 facility, or institution which is licensed or otherwise
16 authorized by law to receive and to provide care for the child.

17 Sec. 61. Section 232.117, subsection 4, Code 2022, is
18 amended by striking the subsection and inserting in lieu
19 thereof the following:

20 4. If the court orders a termination of parental rights
21 and siblings are not placed together but have an existing
22 relationship, the court shall order ongoing contact between
23 the siblings in accordance with section 232.108 if the court
24 finds that either visitation or ongoing interaction is in the
25 best interests of each sibling. This subsection shall not be
26 construed to require visitation between a child and a parent
27 whose parental rights have been terminated as to that child,
28 even if a sibling remains with the parent.

29 Sec. 62. Section 232.118, subsection 1, Code 2022, is
30 amended by adding the following new paragraphs:

31 NEW PARAGRAPH. *a.* The moving party or a party opposed to
32 the actions of the guardian has the burden to establish that
33 the court-appointed guardian failed to act in the child's best
34 interests by unreasonably or irresponsibly failing to discharge
35 the guardian's duties in finding a suitable adoptive home for

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

35/47

1 the child.

2 NEW PARAGRAPH. b. The court shall give deference to the
3 decision of the guardian.

4 DIVISION VIII

5 FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

6 Sec. 63. Section 232.126, subsection 2, Code 2022, is
7 amended to read as follows:

8 2. The court may appoint a court appointed special
9 advocate ~~to act as guardian ad litem.~~ The court appointed
10 special advocate shall receive notice of and may attend all
11 depositions, hearings, and trial proceedings to support the
12 child and advocate for the protection of the child. The court
13 appointed special advocate shall not be allowed to separately
14 introduce evidence or to directly examine or cross-examine
15 witnesses. The court appointed special advocate shall submit
16 reports to the court and the parties to the proceedings
17 containing the information required in reports submitted by
18 a court appointed special advocate under section ~~232.89,~~
19 ~~subsection 5~~ 237.24, subsection 2, paragraphs "g" and "h". In
20 addition, the court appointed special advocate shall file other
21 reports to the court as required by the court.

22 Sec. 64. Section 232.127, subsection 8, Code 2022, is
23 amended to read as follows:

24 8. The court shall not order group foster care placement of
25 the child which is a charge upon the state ~~if that placement~~
26 ~~is not in accordance with the service area plan for group~~
27 ~~foster care established pursuant to~~ section 232.143 ~~for the~~
28 ~~departmental service area in which the court is located unless~~
29 the group foster care meets requirements as established by the
30 department by rule.

31 Sec. 65. NEW SECTION. 237.24 Court appointed special
32 advocates.

33 1. A court appointed special advocate shall receive notice
34 of all depositions, hearings, and trial proceedings in a matter
35 to which the court appointed special advocate is appointed.

1 2. The duties of a court appointed special advocate with
2 respect to a child, unless otherwise enlarged or circumscribed
3 by a court or juvenile court with jurisdiction over the
4 child after a finding of good cause, shall include all of the
5 following:

6 *a.* Conducting in-person interviews with the child every
7 thirty days, if the child's age is appropriate for the
8 interview, and interviewing each parent, guardian, or other
9 person having custody of the child as needed, if authorized by
10 counsel.

11 *b.* Visiting the home, residence, or both home and residence
12 of the child and any prospective home or residence of the
13 child, including each time placement is changed.

14 *c.* Interviewing any person providing medical, mental health,
15 social, educational, or other services to the child.

16 *d.* Obtaining firsthand knowledge, if possible, of the facts,
17 circumstances, and parties involved in the matter in which the
18 court appointed special advocate is appointed.

19 *e.* Attending any depositions, hearings, and trial
20 proceedings in a matter to which the court appointed special
21 advocate is appointed for the purpose of supporting the child
22 and advocating for the child's protection.

23 *f.* Assisting the transition committee in the development of
24 a transition plan if the child's case permanency plan calls for
25 the development of a transition plan.

26 *g.* (1) Submitting a written report to the juvenile court
27 and to each of the parties identified in section 237.21,
28 subsection 4, prior to each court hearing unless otherwise
29 ordered by the court.

30 (2) The report shall include but not be limited to the
31 identified strengths of the child and the child's family,
32 concerns identified by the court appointed special advocate,
33 the court appointed special advocate's recommendations
34 regarding the child's placement, and other recommendations the
35 court appointed special advocate believes are in the child's

1 best interests.

2 h. Submitting periodic reports to the court or juvenile
3 court with jurisdiction over a child and interested parties
4 detailing the child's situation as long as the child remains
5 under the jurisdiction of the court or juvenile court.

6 *i.* Filing other reports as ordered by a court or juvenile
7 court.

DIVISION IX

JUVENILE COURT EXPENSES AND COSTS — SHELTER AND DETENTION
HOMES

11 Sec. 66. Section 232.141, subsection 8, Code 2022, is
12 amended to read as follows:

13 8. ~~This subsection~~ applies only to placements in a juvenile
14 shelter care home which is publicly owned, operated as a county
15 or multicounty shelter care home, organized under a ~~chapter 28E~~
16 agreement, or operated by a private juvenile shelter care home.
17 If the actual and allowable costs of a child's shelter care
18 placement exceed the amount the department is authorized to
19 ~~pay in accordance with law and administrative rule~~, the unpaid
20 costs may be recovered from the child's custodial parent's
21 county of residence. However, the maximum amount of the
22 unpaid costs which may be recovered under ~~this subsection~~ is
23 limited to the difference between the amount the department is
24 authorized to pay and the statewide average of the actual and
25 allowable rates ~~in effect in May of the preceding fiscal year~~
26 ~~for reimbursement of juvenile shelter care homes as reasonably~~
27 ~~determined by the department annually~~. ~~In no case shall the~~
28 ~~A home may only be reimbursed for more than the lesser of the~~
29 ~~home's actual and allowable costs or the statewide average of~~
30 ~~the actual and allowable rates as determined by the department~~
31 ~~in effect on the date the costs were paid~~. The unpaid costs
32 are payable pursuant to filing of verified claims against the
33 child's custodial parent's county of residence. A detailed
34 statement of the facts upon which a claim is based shall
35 accompany the claim. Any dispute between counties arising from

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

 dg/rh

38/47

1 filings of claims pursuant to [this subsection](#) shall be settled
2 in the manner provided to determine residency in section
3 331.394.

4 Sec. 67. Section 232.142, subsections 3, 4, 5, and 6, Code
5 2022, are amended to read as follows:

6 3. A county or multicounty juvenile detention home approved
7 pursuant to [this section](#) shall receive financial aid from the
8 state in a manner approved by the director, the director of the
9 department of human rights, or a designee of the director of
10 the department of human rights. Aid paid by the state shall
11 be at least ten percent and not more than fifty percent of the
12 total cost of the establishment, improvements, operation, and
13 maintenance of the home. This subsection is repealed July 1,
14 2023.

15 4. The director, the director of the department of human
16 rights, or a designee of the director of the department of
17 human rights shall adopt minimal rules and standards for the
18 establishment, maintenance, and operation of such homes as
19 shall be necessary to effect the purposes of [this chapter](#). The
20 rules shall apply the requirements of [section 237.8](#), concerning
21 employment and evaluation of persons with direct responsibility
22 for a child or with access to a child when the child is
23 alone and persons residing in a child foster care facility,
24 to persons employed by, residing in, or volunteering for a
25 home approved under [this section](#). The director shall, upon
26 request, give guidance and consultation in the establishment
27 and administration of the homes and programs for the homes.
28 This subsection is repealed July 1, 2023.

29 5. The director, the director of the department of human
30 rights, or a designee of the director of the department of
31 human rights shall approve annually all such homes established
32 and maintained under the provisions of [this chapter](#). A home
33 shall not be approved unless it complies with minimal rules and
34 standards adopted by the director and has been inspected by the
35 department of inspections and appeals. The statewide number

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

39/47

1 of beds in the homes approved by the director shall not exceed
2 two hundred seventy-two beds beginning July 1, 2017. This
3 subsection is repealed July 1, 2023.

4 6. A juvenile detention home fund is created in the
5 state treasury under the authority of the department or the
6 department of human rights as the department and the department
7 of human rights agree. The fund shall consist of moneys
8 deposited in the fund pursuant to [section 602.8108](#). The moneys
9 in the fund shall be used for the costs of the establishment,
10 improvement, operation, and maintenance of county or
11 multicounty juvenile detention homes in accordance with annual
12 appropriations made by the general assembly from the fund for
13 these purposes. This subsection is repealed July 1, 2023.

14 Sec. 68. Section 232.142, Code 2022, is amended by adding
15 the following new subsections:

16 NEW SUBSECTION. 7. A county or multicounty juvenile
17 detention home approved pursuant to this section shall receive
18 financial aid from the state in a manner approved by the
19 director of the department of human rights or a designee of the
20 director of the department of human rights. Aid paid by the
21 state shall be at least ten percent and not more than fifty
22 percent of the total cost of the establishment, improvements,
23 operation, and maintenance of the home.

24 NEW SUBSECTION. 8. The director of the department of
25 human rights or a designee of the director of the department
26 of human rights shall adopt minimal rules and standards for
27 the establishment, maintenance, and operation of such homes as
28 shall be necessary to effect the purposes of this chapter. The
29 rules shall apply the requirements of section 237.8, concerning
30 employment and evaluation of persons with direct responsibility
31 for a child or with access to a child when the child is
32 alone and persons residing in a child foster care facility,
33 to persons employed by, residing in, or volunteering for a
34 home approved under this section. The director shall, upon
35 request, give guidance and consultation in the establishment

1 and administration of the homes and programs for the homes.

2 NEW SUBSECTION. 9. The director of the department of human
3 rights or a designee of the director of the department of human
4 rights shall approve annually all such homes established and
5 maintained under the provisions of this chapter. A home shall
6 not be approved unless it complies with minimal rules and
7 standards adopted by the director and has been inspected by the
8 department of inspections and appeals. The statewide number
9 of beds in the homes approved by the director shall not exceed
10 two hundred seventy-two beds.

11 NEW SUBSECTION. 10. The juvenile detention home fund in the
12 state treasury shall be under the authority of the department
13 of human rights. The fund shall consist of moneys deposited in
14 the fund pursuant to section 602.8108. The moneys in the fund
15 shall be used for the costs of the establishment, improvement,
16 operation, and maintenance of county or multicounty juvenile
17 detention homes in accordance with annual appropriations made
18 by the general assembly from the fund for these purposes.

19 DIVISION X

20 JUVENILE JUSTICE REFORM — DECATEGORYIZATION OF CHILD WELFARE
21 AND JUVENILE JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION
22 PROGRAMS

23 Sec. 69. Section 232.188, subsection 5, paragraph b,
24 unnumbered paragraph 1, Code 2022, is amended to read as
25 follows:

26 Notwithstanding [section 8.33](#), moneys designated for a
27 project's decategorization services funding pool that remain
28 unencumbered or unobligated at the close of the fiscal year
29 shall not revert but shall remain available for expenditure as
30 directed by the project's governance board for child welfare
31 and juvenile justice systems enhancements and other purposes
32 of the project for the next ~~two~~ three succeeding fiscal years.
33 Such moneys shall be known as "*carryover funding*". Moneys may
34 be made available to a funding pool from one or more of the
35 following sources:

1 Sec. 70. NEW SECTION. 232.192 Early intervention and
2 follow-up programs.

3 Contingent on a specific appropriation for these purposes,
4 juvenile court services shall do the following:

5 1. Develop or expand programs providing specific life
6 skills and interpersonal skills training for adjudicated
7 delinquent youth who pose a low or moderate risk to the
8 community.

9 2. Develop or expand a school-based program addressing
10 truancy and school behavioral problems for youth ages twelve
11 through seventeen.

12 3. Develop or expand an intensive tracking and supervision
13 program for adjudicated delinquent youth at risk for placement
14 who have been released from resident facilities, which shall
15 include telephonic or electronic tracking and monitoring and
16 intervention by juvenile authorities.

17 4. Develop or expand supervised community treatment
18 for adjudicated delinquent youth who experience significant
19 problems and who constitute a moderate community risk.

20 DIVISION XI

21 JUDICIAL BRANCH NONREVERSION OF CERTAIN MONEYS — CHILD WELFARE
22 AND JUVENILE JUSTICE

23 Sec. 71. NONREVERSION OF CERTAIN MONEYS RELATED TO CHILD
24 WELFARE AND JUVENILE JUSTICE.

25 1. Notwithstanding section 8.33, moneys received by the
26 state beginning July 1, 2020, pursuant to Tit. IV-B or Tit.
27 IV-E of the federal Social Security Act as reimbursement for
28 claims or pursuant to the federal Family First Prevention
29 Services Act of 2018, Pub. L. No. 115-123 as transition funds,
30 that remain unencumbered or unobligated at the close of the
31 fiscal year shall not revert to the general fund of the state
32 but shall remain available for expenditure for child welfare
33 and juvenile justice services including but not limited to
34 reimbursement of qualified expenses and administrative costs
35 until expended.

1 Sec. 72. EFFECTIVE DATE. This division of this Act, being
2 deemed of immediate importance, takes effect upon enactment.

3 Sec. 73. RETROACTIVE APPLICABILITY. This division of this
4 Act applies retroactively to the fiscal year beginning July 1,
5 2020.

6 DIVISION XII

7 CONFORMING CODE CHANGES

8 Sec. 74. Section 232.52, subsection 3, paragraph c, Code
9 2022, is amended to read as follows:

10 c. Notwithstanding [subsection 2](#), the court shall not order
11 group foster care placement of the child which is a charge
12 upon the state ~~if that placement is not in accordance with the~~
13 ~~service area plan for group foster care established pursuant to~~
14 ~~[section 232.143](#) for the departmental service area in which the~~
15 ~~court is located unless the group foster care placement meets~~
16 requirements as established by the department by rule.

17 Sec. 75. Section 232.70, subsection 4, Code 2022, is amended
18 by striking the subsection.

19 Sec. 76. Section 232.71B, subsection 16, Code 2022, is
20 amended to read as follows:

21 16. *Conclusion of family assessment.* At the conclusion
22 of a family assessment, the department shall transfer the
23 case, if appropriate, to a contracted provider to review the
24 service plan for the child and family. The contracted provider
25 shall make a referral to the department abuse hotline if a
26 family's noncompliance with a service plan places a child at
27 risk. If any of the criteria for child abuse as defined in
28 section 232.68, subsection 2, paragraph "a", are met, the
29 department shall commence a child abuse assessment. If any of
30 the criteria for a child in need of assistance, ~~as defined in~~
31 pursuant to [section 232.2](#), ~~subsection 6~~ [232.96A](#), are met, the
32 department shall determine whether to request a child in need
33 of assistance petition.

34 Sec. 77. Section 232.83, subsection 2, unnumbered paragraph
35 1, Code 2022, is amended to read as follows:

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 Anyone authorized to conduct a preliminary investigation
2 in response to a complaint may apply for, or the court on its
3 own motion may enter an ex parte order authorizing a physician
4 or hospital to conduct an outpatient physical examination or
5 authorizing a physician, a psychologist certified under section
6 154B.7, or a community mental health center accredited pursuant
7 to [chapter 230A](#) to conduct an outpatient mental examination of
8 a child if necessary to identify the nature, extent, and causes
9 of any injuries, emotional damage, or other such needs of a
10 child as specified in [section 232.2, subsection 6](#), paragraph
11 ~~"e", "e", or "f"~~ [232.96A, subsection 3, 5, or 6](#), provided that
12 all of the following apply:

13 Sec. 78. Section 232.89, subsection 5, Code 2022, is amended
14 by striking the subsection.

15 Sec. 79. Section 232.98, subsection 1, paragraph b,
16 subparagraph (1), Code 2022, is amended to read as follows:

17 (1) Probable cause exists to believe that the child is
18 a child in need of assistance pursuant to section ~~232.2,~~
19 ~~subsection 6, paragraph "e" or "f"~~ [232.96A, subsection 5 or 6](#).

20 Sec. 80. Section 232.102, subsection 9, unnumbered
21 paragraph 1, Code 2022, is amended to read as follows:

22 An agency, facility, institution, or person to whom custody
23 of the child has been transferred pursuant to [this section](#)
24 shall file a written report with the court at least every six
25 months concerning the status and progress of the child. The
26 court shall hold a periodic dispositional review hearing for
27 each child in placement pursuant to [this section](#) in order
28 to determine whether the child should be returned home,
29 an extension of the placement should be made, a permanency
30 hearing should be held, or a termination of the parent-child
31 relationship proceeding should be instituted. The placement
32 shall be terminated and the child returned to the child's home
33 if the court finds by a preponderance of the evidence that the
34 child will not suffer harm in the manner specified in section
35 ~~232.2, subsection 6~~ [232.96A](#). If the placement is extended,

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

dg/rh

44/47

1 the court shall determine whether additional services are
2 necessary to facilitate the return of the child to the child's
3 home, and if the court determines such services are needed, the
4 court shall order the provision of such services. When the
5 child is not returned to the child's home and if the child has
6 been previously placed in a licensed foster care facility, the
7 department or agency responsible for the placement of the child
8 shall consider placing the child in the same licensed foster
9 care facility.

10 Sec. 81. Section 232.117, subsection 5, Code 2022, is
11 amended to read as follows:

12 5. If after a hearing the court does not order the
13 termination of parental rights but finds that there is clear
14 and convincing evidence that the child is a child in need
15 of assistance, ~~under pursuant to section 232.2, subsection~~
16 ~~6 232.96A~~, due to the acts or omissions of one or both of
17 the child's parents the court may adjudicate the child to
18 be a child in need of assistance and may enter an order in
19 accordance with the provisions of [section 232.100](#), [232.101](#),
20 [232.102](#), or [232.104](#).

21 Sec. 82. Section 234.6, subsection 1, paragraph e,
22 subparagraph (3), Code 2022, is amended to read as follows:

23 (3) Family-centered services, as defined in section
24 ~~232.102, subsection 10, paragraph "b"~~ [232.102A](#), subsection 1,
25 [paragraph "b"](#).

26 Sec. 83. Section 234.35, subsection 1, paragraph e, Code
27 2022, is amended to read as follows:

28 e. When a court has entered an order transferring the legal
29 custody of the child to a foster care placement pursuant to
30 section 232.46, [section 232.52](#), [subsection 2](#), paragraph "d",
31 or [section 232.102](#), [subsection 1](#). However, payment shall not
32 be made for a group foster care placement ~~shall be limited to~~
33 ~~those placements which conform to a service area group foster~~
34 ~~care plan established pursuant to [section 232.143](#)~~ unless the
35 group foster care meets requirements as established by the

1 department by rule.

2 Sec. 84. Section 234.35, subsection 1, paragraph i, Code
3 2022, is amended by striking the paragraph.

4 Sec. 85. Section 234.35, subsection 3, paragraph a, Code
5 2022, is amended to read as follows:

6 ~~a. For a child who is eighteen years of age, family~~
7 Family foster care or independent supervised apartment living
8 arrangements.

9 Sec. 86. Section 234.35, subsection 3, paragraph b, Code
10 2022, is amended by striking the paragraph.

11 Sec. 87. Section 234.35, subsection 4, Code 2022, is amended
12 by striking the subsection.

13 Sec. 88. Section 237.21, subsection 5, Code 2022, is amended
14 to read as follows:

15 5. Members of the state board and local boards, court
16 appointed special advocates, and the employees of the
17 department and the department of inspections and appeals are
18 subject to standards of confidentiality pursuant to sections
19 217.30, 228.6, subsection 1, sections 235A.15, 600.16,
20 and 600.16A. Members of the state and local boards, court
21 appointed special advocates, and employees of the department
22 and the department of inspections and appeals who disclose
23 information or records of the board or department, other than
24 as provided in subsections 2, 3, and 4, ~~sections 232.89 and~~
25 section 232.126, and section 237.20, subsection 2, are guilty
26 of a simple misdemeanor.

27 Sec. 89. Section 709A.5, Code 2022, is amended to read as
28 follows:

29 **709A.5 Interpretative clause.**

30 For the purposes of this chapter the word “dependency”
31 shall mean all the conditions as enumerated in ~~section 232.2,~~
32 subsection 6 232.96A.

33 DIVISION XIII

34 REPEALS

35 Sec. 90. REPEAL. Sections 232.107, 232.143, 232.175,

SF 2257.4389 (1) 89

(amending this SF 2257 to CONFORM to HF 2507)

1 232.176, 232.177, 232.178, 232.179, 232.180, 232.181, 232.182,
2 232.183, 232.195, and 232.196, Code 2022, are repealed.

3 Sec. 91. FUTURE REPEAL. Sections 232.189 and 232.191, Code
4 2022, are repealed effective July 1, 2023.

5 DIVISION XIV

6 EFFECTIVE DATES

7 Sec. 92. EFFECTIVE DATE. The following take effect July 1,
8 2023:

9 1. The section of this Act enacting section 232.142,
10 subsections 7, 8, 9, and 10.

11 2. The section of this Act enacting section 232.192.

12 DIVISION XV

13 APPLICABILITY

14 Sec. 93. APPLICABILITY. The section of this Act enacting
15 section 232.79B shall apply beginning on the effective date
16 specified in rules adopted by the department of human services
17 pursuant to chapter 17A to implement that section.>

18 2. Title page, line 5, after <date> by inserting <,
19 applicability, and retroactive applicability>

JEFF EDLER